

**UNITED STATES BANKRUPTCY COURT  
SOUTHERN DISTRICT OF NEW YORK**

SECURITIES INVESTOR PROTECTION  
CORPORATION,

Plaintiff-Applicant,

v.

BERNARD L. MADOFF INVESTMENT  
SECURITIES LLC,

Defendant.

Adv. Pro. No. 08-01789 (CGM)

SIPA Liquidation

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the  
Liquidation of Bernard L. Madoff Investment  
Securities LLC,

Plaintiff,

v.

UKFP (ASIA) NOMINEES LIMITED,

Defendant.

Adv. Pro. No. 12-01566 (CGM)

**DECLARATION OF JOAQUIN M. C DE BACA IN SUPPORT OF  
UKFP (ASIA) NOMINEES LIMITED'S MOTION TO DISMISS**

I, Joaquin M. C de Baca, under penalty of perjury, declare:

1. I am duly licensed and admitted to practice law in the State of New York, and I am a partner with the law firm Mayer Brown LLP, counsel for Defendant UKFP (Asia) Nominees Limited (“UKFP” or “Defendant”). I respectfully submit this declaration in support of Defendant’s Motion to Dismiss the Complaint.

2. Attached hereto as **Exhibit A** is a true and correct copy of the Fairfield Amended Complaint<sup>1</sup> (without exhibits), *Picard v. Fairfield Sentry Ltd., et al.*, Adv. Pro. No. 09-1239 (Bankr. S.D.N.Y. July 20, 2010), ECF No. 23.

3. Attached hereto as **Exhibit B** is a true and correct copy of the Fairfield Settlement Agreement, *Picard v. Fairfield Sentry Ltd., et al.*, Adv. Pro. No. 09-1239 (Bankr. S.D.N.Y. May 9, 2011), ECF No. 69-2. The Fairfield Settlement Agreement was approved by this Court. Adv. Pro. No. 09-1239 (Bankr. S.D.N.Y. June 7, 2011), ECF No. 92.

4. Attached hereto as **Exhibit C** is a true and correct copy of the Judgment, *Fairfield Sentry Ltd. v. Migani*, [2014] UKPC 9.

Dated: July 15, 2022  
New York, New York

Respectfully submitted,

MAYER BROWN LLP

By: /s/ Joaquin M. C de Baca  
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*Counsel for Defendant UKFP (Asia) Nominees  
Limited*

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<sup>1</sup> Capitalized terms not defined in this Declaration have the meaning provided in the concurrently filed *Memorandum of Law in Support of Defendant's Motion to Dismiss the Complaint*.